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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,500	08/20/2003	Ross C. Terrell	INH1001USC3	6567

7590 03/29/2005  
HODGSON RUSS LLP  
INTELLECTUAL PROPERTY LAW GROUP  
ONE M & T PLAZA  
SUITE 2000  
BUFFALO, NY 14203-2391

EXAMINER

SHIPPEN, MICHAEL L

ART UNIT PAPER NUMBER

1621

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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UNITED STATES DEPARTMENT OF COMMERCE

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10/644,500

EXAMINER
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ART UNIT	PAPER
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1621

20050321

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The reply brief filed December 20, 2004 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

The Terminal Disclaimer filed December 20, 2005 is considered to obviate the obviousness-type double patenting rejection as set forth in the Examiner Answer of October 20, 2004.

The rejection of the claims under 35 USC 103 set forth in the Examiner's Answer still stands.

MICHAEL L. SHIPPEN  
Primary Examiner  
Art Unit: 1621

**Advisory Action**  
**After the Filing of an Appeal Brief**

Application No.

10/644,500

Examiner

MICHAEL L. SHIPPEN

Applicant(s)

TERRELL, ROSS C.

Art Unit

1621

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 20 December 2004 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.  
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: The Terminal Disclaimer filed December 20, 2004 is considered to obviate the obviousness-type double patenting rejection as set forth in the Examiner Answer of October 20, 2004. The rejection under 35 USC 103 is maintained.



MICHAEL L. SHIPPEN  
PRIMARY EXAMINER  
GROUP 1200

1621